

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

382A0140

SENATE ENGROSSED NO. **SB209** - 2/14/97

Introduced by: Senators Aker, Everist, Lawler, Morford-Burg, and Munson (David) and
Representatives Matthews, Barker, Cutler, and Jorgensen

1 FOR AN ACT ENTITLED, An Act to specify certain circumstances that create a rebuttable
2 presumption that awarding custody or granting visitation rights is not in the best interests of
3 a child.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. In awarding custody involving a minor, the court shall consider a conviction of
6 domestic abuse as defined in § 25-10-1(1) or a conviction of assault against a person as defined
7 in § 25-10-1(2). The conviction creates a rebuttable presumption that awarding custody to the
8 abusive parent is not in the best interests of the minor.

9 Section 2. In awarding custody or granting rights of visitation involving a minor, the court
10 shall consider a conviction, excluding vehicular homicide, of a parent for the death of the other
11 parent. A conviction for the death of the other parent creates a rebuttable presumption that
12 awarding custody or granting visitation to the convicted parent is not in the best interests of the
13 minor.

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Judiciary. S.J. 219

3 2/10/97 Scheduled for Committee hearing on this date.

4 2/12/97 Scheduled for Committee hearing on this date.

5 2/12/97 Judiciary Do Pass Amended, AYES 7, NAYS 0.

6 2/13/97 Motion to Amend. S.J. 435

7 2/13/97 Senate Do Pass Amended, AYES 33, NAYS 1. S.J. 435